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Attorneys for Defendant
Santander Consumer USA Inc.
dba Chrysler Capital, *erroneously sued as*
TD Auto Finance dba Chrysler Financial
Services

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**AKRAM CHAHIN and JACKELYN
YOU,**

Plaintiffs,

vs.

**TD AUTO FINANCE LLC, dba
CHRYSLER FINANCIAL SERVICES;
DOES 1-10, inclusive,**
Defendants.

Case No.: 2:17-cv-01264

[Removal from the Superior Court of
California, County of Orange, Case No.
30-2016-00891894-CL-NP-CJC]

**DEFENDANT SANTANDER
CONSUMER USA INC D/B/A
CHRYSLER CAPITAL'S NOTICE
OF REMOVAL PURSUANT TO 28
U.S.C. §§ 1331 AND 1446**

[FEDERAL QUESTION]

YU | MOHANDESI LLP
633 West Fifth Street, Suite 2800
Los Angeles, CA 90071

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**
 2 **THE CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that Defendant Santander Consumer USA Inc. dba
 4 Chrysler Capital (erroneously sued as “TD Auto Finance dba Chrysler Financial
 5 Services”) (“Defendant”) hereby removes the action described below from the
 6 Superior Court of the County of Orange, State of California (“California Court”), to
 7 the United States District Court for the Central District of California, pursuant to
 8 Sections 1331 and 1446 of Title 28 of the United States Code (“U.S.C.”). As set forth
 9 more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. §
 10 1446 because Defendant has satisfied the procedural requirements for removal and
 11 this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
 12 1331. In support of this Notice of Removal, Defendant states as follows:

13 **I. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT**
 14 **TO 28 U.S.C. SECTION 1331**

15 On or about December 12, 2016, plaintiffs Akram Chahin and Jackelyn You
 16 (“Plaintiffs”) filed a Complaint in the California Court entitled *Akram Chahin, et. al.*
 17 *v. TD Auto Finance LLC, et. al.*, Case No. 30-2016-00891894-CL-NP-CJC. In the
 18 Complaint, Plaintiffs allege, among other things, that Defendant submitted an
 19 inaccurate tradeline on Plaintiffs’ credit reports, alleging late payments. Complaint,
 20 ¶¶ 4-5. Based on these allegations, Plaintiffs assert two causes of action against
 21 Defendant: (1) violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §
 22 1681, *et seq*; and (2) violation of the California Consumer Credit Reporting Agencies
 23 Act (“CCRAA”), Cal. Civ. Code § 1785.25, *et seq*. The Complaint is attached hereto
 24 as **Exhibit A**, as required by 28 U.S.C. § 1446(a).

25 Because this action arises under federal law (the FCRA), which can be
 26 ascertained from the face of Plaintiff’s Complaint, this Court has original jurisdiction
 27 pursuant to 28 U.S.C. § 1331 and this action may be removed to this Court. Further,
 28 this Court has supplemental jurisdiction over Plaintiff’s state law claim (the CCRAA),

1 which forms part of the “same case or controversy” pursuant to 28 U.S.C. § 1367(a).
2 Specifically, like Plaintiff’s FCRA claim, Plaintiff’s state law claim also alleges that
3 Defendant reported inaccurate information on Plaintiff’s credit report. Complaint, ¶¶
4 19-24. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §
5 1441.

6 **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE**
7 **SATISFIED**

8 On or about December 12, 2016, Plaintiff filed this action in the California
9 Court. Defendant was served with the Complaint on January 17, 2017. This Notice
10 of Removal is timely in that it was filed within 30 days from the time Defendant had
11 notice that the action was removable, and less than a year after the commencement of
12 the action. *See* 28 U.S.C. § 1446(b).

13 The California Court is located within the United States District Court for the
14 Central District of California. *See* 28 U.S.C. § 84(c)(3). Thus, venue is proper in this
15 Court because it is the “district and division embracing the place where such action is
16 pending.” 28 U.S.C. § 1441(a).

17 In compliance with 28 U.S.C. § 1446(d), Defendant will serve on Plaintiff and
18 file with the Clerk of the California Court a written notice of the filing of this Notice
19 of Removal, attaching a copy of this Notice of Removal.

20 No previous application has been made for the relief requested herein.
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1 WHEREFORE, Defendant respectfully removes this action from the County of
2 Orange, California Superior Court to this Court pursuant to 28 U.S.C. §§ 1331 and
3 1446.

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5 DATED: February 16, 2017.

6 YU | MOHANDESI LLP

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10 By _____
11 Brett Goodman
12 Attorneys for Defendant Santander
13 Consumer USA Inc. dba Chrysler Capital,
14 *erroneously sued as* TD Auto Finance dba
15 Chrysler Financial Services
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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Yu | Mohandesi LLP, 633 West Fifth Street, Suite 2800, Los Angeles, CA 90071. On February 16, 2017, I served the following document(s) by the method indicated below:

DEFENDANT SANTANDER CONSUMER USA INC D/B/A CHRYSLER CAPITAL'S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §§ 1331 AND 1446

	by transmitting via facsimile on this date the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was ordered by the Court.
X	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
	by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below.
	by having the document(s) listed above hand-delivered to the person(s) at the address(es) set forth below.
	by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business to the address(es) set forth below.
	by emailing the document(s) listed above to the person(s) at the address(es) set forth below.

Plaintiff's Counsel

Todd M. Friedman
Law Offices of Todd M. Friedman, P.C.
21550 Oxnard St., Ste 780
Woodland Hill, CA 91367
877-206-4741

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 16, 2017, at Los Angeles County, California.



Diana Choe